

1-1 By: Eltife S.B. No. 1856  
1-2 (In the Senate - Filed March 25, 2013; March 26, 2013, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 22, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hinojosa	X		
1-10	Nichols	X		
1-11	Garcia	X		
1-12	Paxton	X		
1-13	Taylor	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1856 By: Nichols

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the election of board members for emergency services  
1-18 districts in certain counties.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsection (h), Section 775.034, Health and  
1-21 Safety Code, is amended to read as follows:

1-22 (h) This section does not apply to a district located wholly  
1-23 in a county:

1-24 (1) with a population of more than three million; or  
1-25 (2) with a population of more than 200,000 that  
1-26 borders Lake Palestine.

1-27 SECTION 2. The heading to Section 775.0345, Health and  
1-28 Safety Code, is amended to read as follows:

1-29 Sec. 775.0345. ELECTION OF BOARD IN CERTAIN [~~POPULOUS~~]  
1-30 COUNTIES.

1-31 SECTION 3. Section 775.0345, Health and Safety Code, is  
1-32 amended by amending Subsections (a), (b), (e), (f), and (g) and  
1-33 adding Subsections (b-1), (d-1), and (h-1) to read as follows:

1-34 (a) This section applies only to a district located wholly  
1-35 in a county:

1-36 (1) with a population of more than three million; or  
1-37 (2) with a population of more than 200,000 that  
1-38 borders Lake Palestine.

1-39 (b) The governing body of a district consists of a  
1-40 five-person board of emergency services commissioners elected as  
1-41 prescribed by this section. Except as provided by Subsections (h)  
1-42 and (h-1) [~~Subsection (h)~~], emergency services commissioners serve  
1-43 four-year terms.

1-44 (b-1) Notwithstanding Subsection (b), the governing body of  
1-45 a district described by Subsection (a)(2) is governed by a  
1-46 five-member board of emergency services commissioners elected from  
1-47 single-member districts. One director is elected from each  
1-48 single-member district. As soon as possible after the district is  
1-49 created, the commissioners court of the county in which the  
1-50 district is located shall divide the district into five numbered  
1-51 single-member districts.

1-52 (d-1) Notwithstanding Subsection (d), to be eligible to be a  
1-53 candidate for emergency services commissioner in a single-member  
1-54 district on an initial board in a district described by Subsection  
1-55 (a)(2), a person must be at least 18 years of age and a resident of  
1-56 that single-member district.

1-57 (e) A candidate for emergency services commissioner on an  
1-58 initial board must give the voter registrar of the county [~~clerk~~] a  
1-59 sworn notice of the candidate's intention to run for office. The  
1-60 notice must state the person's name, age, and address and state that  
1-61 the person is serving notice of intent to run for emergency services  
1-62 commissioner. If the person intends to run for emergency services

commissioner in a single-member district in a district described by Subsection (a)(2), the notice must also specify the single-member district the person seeks to represent. On receipt of the notice, the voter registrar of the county [~~clerk~~] shall have the candidate's name placed on the ballot.

(f) The voter registrar of the county [~~clerk~~] shall appoint an election judge to certify the results of the election.

(g) After the election is held, the voter registrar or deputy registrar of the county [~~clerk or the clerk's deputy~~] shall prepare a sworn statement of the election costs incurred by the county. The statement shall be given to the newly elected board, which shall order the appropriate official to reimburse the county for the county's election costs.

(h-1) Notwithstanding Subsection (h), the five initial emergency services commissioners elected from single-member districts in a district described by Subsection (a)(2) shall draw lots to determine which two commissioners serve terms that expire on December 31 of the second year following the year in which the election was held and which three commissioners serve terms that expire on December 31 of the fourth year following the year in which the election was held.

SECTION 4. The heading to Section 775.0355, Health and Safety Code, is amended to read as follows:

Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS IN CERTAIN [~~POPULOUS~~] COUNTIES.

SECTION 5. Subsection (b), Section 775.0355, Health and Safety Code, is amended to read as follows:

(b) This section applies only to a district located wholly in a county:

- (1) with a population of more than three million; or
- (2) with a population of more than 200,000 that borders Lake Palestine.

SECTION 6. The heading to Section 775.0445, Health and Safety Code, is amended to read as follows:

Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN CERTAIN [~~POPULOUS~~] COUNTIES.

SECTION 7. Subsection (b), Section 775.0445, Health and Safety Code, is amended to read as follows:

(b) This section applies only to a district located wholly in a county:

- (1) with a population of more than three million; or
- (2) with a population of more than 200,000 that borders Lake Palestine.

SECTION 8. (a) This Act does not prohibit a person who is an emergency services commissioner on the effective date of this Act and who was appointed under Section 775.034, Health and Safety Code, from running for election to the board if the person has the qualifications required for a member under Section 775.0345, Health and Safety Code, as amended by this Act.

(b) The terms of the members of a board of emergency services commissioners serving on the effective date of this Act who were appointed under Section 775.034, Health and Safety Code, before the effective date of this Act expire on the date a majority of the members of the initial board of emergency services commissioners elected under Subsection (c) of this section qualify to serve.

(c) The county judge of a county with an emergency services district to which Subdivision (2), Subsection (a), Section 775.0345, Health and Safety Code, as added by this Act, applies on the effective date of this Act and to which Section 775.034, Health and Safety Code, previously applied shall establish an election to elect the initial emergency services commissioners of that district in the manner required by Subsections (c) through (h), Section 775.0345, Health and Safety Code, for election of the initial commissioners as if the district had been created on the effective date of this Act.

SECTION 9. This Act takes effect September 1, 2013.

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